

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MARY TROUPE, et al.

PLAINTIFFS

V.

CAUSE NO. 3:10-CV-153-HTW-LRA

GOVERNOR PHIL BRYANT, et al.

DEFENDANTS

ORDER DENYING TRANSFER

The Court has before it the Plaintiff's "Motion to Transfer" [docket 90] this suit to another judge. The Defendants oppose the motion. Plaintiff cites as the reason therefor, that a similar and related case is assigned to Judge Lee's Court, *Olivia Y., et al. v. Barbour, et al.*, civil action no. 3:04-cv-251 TSL-JCS (S.D. Miss.). Plaintiffs also allege that the plaintiffs in the other case will overlap with plaintiffs in the instant case.

Plaintiffs contend that the *Olivia Y.* case is active and ongoing. However, that case was settled in 2007. Although the Court is still monitoring the State's compliance with its orders in *Olivia Y.*, that case is closed. While there is some relationship between the cases, the Court is not persuaded that the subject matter of the two cases 'substantially' overlap as required by *Save Power Ltd. v. Syntek Fin. Corp.*, 121 F.3d 947, 950 (5th Cir. 1997). The Motion to transfer [docket no. 90] is denied.

SO ORDERED AND ADJUDGED, this the 24th day of October, 2016.

s/HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE